

Applic. No. 10/637,192

Response Dated August 18, 2004

Responsive to Office Action of August 12, 2004

Remarks:

Reconsideration of the application is requested.

Claims 1 to 12 remain in the application.

On page 2 of the above-identified Office action, claims 1, 3, 4, 5, 7, 9, 10, and 11 have been rejected as being fully anticipated by Katayama (U.S. 6,750,476) under 35 U.S.C. § 102.

Applicants respectfully believe that Katayama is not prior art with respect to the instant application. The instant application is a continuation of copending international application PCT/DE02/00470, filed February 8, 2002. Pursuant to 35 U.S.C. § 363, the instant application has a filing date of February 8, 2002, because the instant application designated the United States. This date is more than one month prior to Katayama's March 22, 2002 filing date. Accordingly, Katayama is unavailable as prior art.

Therefore, applicant respectfully submits that the rejection on page 2 of the Office action under Sections 102 is moot.

Claims 1, 3 to 5, 7, and 9 to 11 are, therefore, believed to be patentable over the art. The dependent claims are believed

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to be patentable as well because they all are ultimately dependent on claims 1 or 7.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 2, 6, 8, and 12 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of these claims is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 to 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

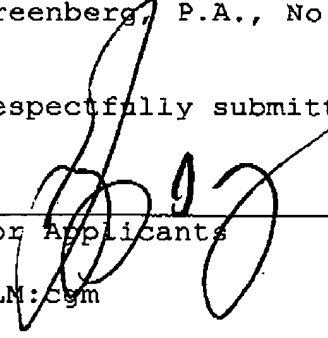
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Please charge any fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicants

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August 18, 2004

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